

FILED IN THE
UNITED STATES
BANKRUPTCY COURT

2003 JUL 14 P 3:46

DISTRICT OF UTAH

BY 
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**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

SIMON TRANSPORTATION SERVICES,
INC.; DICK SIMON TRUCKING, INC.; AND
SIMON TERMINAL, LLC,

Debtors.

FREIGHTLINER LLC AND FREIGHTLINER
MARKET DEVELOPMENT
CORPORATION,

Plaintiffs,

vs.

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS.

Defendant.

Bankruptcy Case No. 02-22906
Bankruptcy Case No. 02-22907
Bankruptcy Case No. 02-24874
(Jointly Administered)

**COMPLAINT FOR
DECLARATORY JUDGMENT
AND INJUNCTIVE RELIEF**

Judge Glen E. Clark

Adv. No. 03P-2251 GEC

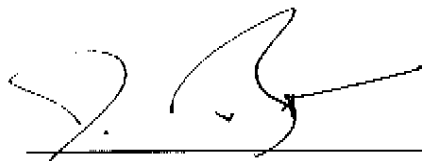


TO THE PARTIES ON THE ATTACHED SERVICE LIST:

PLEASE TAKE NOTICE THAT, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and DUCivR 54-1(d), plaintiffs Freightliner LLC and Freightliner Market Development Corporation ("Freightliner") hereby dismissed without prejudice all claims against the Official Committee of Unsecured Creditors, in the above-captioned action. Defendant has not served an answer or a motion for summary judgment in this action.

DATED this 14th day of July, 2003.

PARSONS BEHLE & LATIMER

A handwritten signature in black ink, appearing to read 'J. Thomas Beckett', is written over a horizontal line.

J. Thomas Beckett
Dianna M. Gibson
Counsel to Freightliner

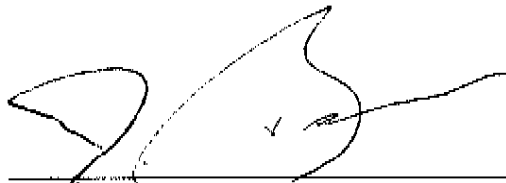
CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July, 2003, I caused to be mailed, first class, postage prepaid, a true and correct copy of the foregoing **COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF** to:

Michael N. Emery
RICHARDS BRANDT MILLER & NELSON
Counsel for Jerry Moyes, The Jerry And Vickie Moyes Family Trust,
Interstate Equipment Leasing, Inc., DST Leasing, LLC,
Central Freight Lines, Inc., and Central Refrigerated Service, Inc.
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J. THOMAS BECKETT